

ARTICLE II

CORPORATE AND GENERAL POWERS

Powers of the City

Section 5. The City shall have all the powers granted to Home Rule Cities by the Constitution and laws of this State, as fully and completely as though they were specifically enumerated in this Charter, together with all the implied powers necessary to carry into execution such granted powers, and the powers are hereby adopted that are conferred upon cities by Article XI, Section 5, of the Constitution of the State of Texas (Home Rule Amendment). Among other powers, the City shall have the power to contract and be contracted with; to acquire property in fee simple within or without its corporate limits for any municipal purpose, or any lesser interest or estates, by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require, except as prohibited by the Constitution or restricted by this Charter. The City may use a corporate seal; may cooperate with the government of the State of Texas or any agency thereof, or any political subdivision of the State of Texas, or with the United States or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the City and its inhabitants; and may pass such ordinances and enact such regulations as may be expedient for the maintenance of good government order and peace of the City and the welfare, health, morals, comfort and safety of its inhabitants consistent with the provisions of this Charter.

The enumeration of particular powers by this Charter shall not be deemed to be exclusive; and in addition to the powers enumerated or implied herein, the City shall have all powers not prohibited by the Constitution or laws of this State.

Extension of City Limits Upon Petition

Section 6. The City Council may extend the City's boundaries by annexation petition in accordance with the provisions of the statutes of the State of Texas.

Extension of City Limits by the City Council

Section 7. The City Council shall have the power to fix, by ordinance, the boundary limits of the City of College Station, and to provide for the extension of such boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of such area to be annexed. The City Council shall have the power to detach, by ordinance, any territory, with or without the consent of the inhabitants of such area to be detached. When any territory shall be so annexed, the same shall be a part of the City and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City. When territory has been detached, the same shall no longer be a part of the City.

Eminent Domain

Section 8. The City shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the power conferred upon it by this charter or by the constitution or laws of the State of Texas. In all cases where the City seeks to exercise the power of eminent domain, it may be controlled, as nearly as practicable, by the laws governing the condemnation of property of railroad corporations in this state, the City taking the position of the railroad corporation in any such case. The City may also exercise the power of eminent domain in any other manner now or hereafter authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the City. The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated herein or in this charter.

Establishment and Control of Streets

Section 9. The City shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges and regulate the use thereof, and require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and encroachments of every nature or character upon any of said streets, alleys, sidewalks, and public property.

The City shall have exclusive domain, control and jurisdiction in and upon, and over and under the public streets, avenues, alleys, and highways of the City. The City's exclusive domain, control, and jurisdiction in, upon, over and under the public streets, avenues, alleys and highways of the City shall also include, but not be limited to, the right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes, lines or wires, or other property.

Street Improvements

Section 10. The City may provide for the improvements of public streets, avenues, alleys and highways by paving, repaving, raising, draining, or other improvements, and may assess the cost of such development and improvements partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof. If improvements be ordered constructed in any part of any area used or occupied by the tracks or facilities of any railway or public utility, then the City shall have the power to assess the whole cost of improvements in such area and the added costs of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railway or utility, and shall have the power, by ordinance, to provide for the enforcement of such assessments. As an alternative and cumulative method of developing, improving and paving any and all public streets, sidewalks, waterways, alleys, highways and other public ways, the City shall have the power and authority to proceed in accordance with V.T.C.A., Transportation Code, as amended.

Garbage Disposal

Section 11. The City Council shall have the right by ordinance to adopt and prescribe rules and regulations for the handling disposition of all garbage, trash and rubbish within the City of College Station, and shall further have the right to fix charges and compensation to be charged by the City for the removal of garbage, trash and rubbish, and to provide rules and regulations for the collection thereof.

Municipal Court

Section 12. There shall be a court for the trial of misdemeanor offenses known as the Municipal Court of the City of College Station, with such powers, procedures and duties as are given and prescribed by the laws of the State of Texas for a Municipal Court.

Sanitary Sewer System

Section 13. The City shall have the power to provide for a sanitary sewer system and to require property owners to connect their premises with such systems; to provide for fixing penalties for failure to make sanitary sewer connections; and to provide for fixing a lien against any property owner's premises who fails or refuses to make sanitary sewer connections and to charge the cost against said owner and make it a personal liability. The City shall further have the right to fix charges and compensation to be charged by the City for sewerage service, and to provide rules and regulations for the collection thereof.

Public Utilities; Powers of the City

Section 14. In addition to its power to buy, own, construct, maintain and operate utilities and to manufacture and distribute electricity, gas or anything else that may be needed or used by the public, the City shall have such further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

Signs and Bill Boards

Section 15. The City shall have the power to license, regulate, control or prohibit the erection of signs or billboards.

Nuisances; Control and Policing

Section 16. The City shall have the power to define all nuisances and prohibit the same within the City and outside the City limits for a distance of five thousand (5000) feet; to have power to police all parks or grounds, speedways or boulevards owned by the City and lying outside the City; to prohibit the pollution of any stream, drain or tributaries thereof, which may constitute the source of water supply of the City and to provide for the policing of the same as well as to provide for the protection of any water sheds and the policing of same; to inspect dairies, slaughter pens and slaughter houses inside or outside the City limits, from which milk or meat is furnished to the inhabitants of the City.